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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,133	04/27/2001	Carolyn Wilson	LD 11620 GEC 2 0544	1400
7590 10/21/2003				
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP 1100 Superior Avenue, 7th Floor Cleveland, OH 44114-2516				
EXAMINER HARPER, HOLLY R				
ART UNIT 2879		PAPER NUMBER		

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/844,133	<b>Applicant(s)</b> WILSON ET AL.	
	<b>Examiner</b> Holly R. Harper	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 12-14,16 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 17 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/12/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
    1. ☐ Certified copies of the priority documents have been received.  
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on 8/12/2003, has been entered and acknowledged by the Examiner.

Claims 16 and 17 have been entered.

Claims 1, 8, and 12 have been amended.

Claim 15 has been canceled.

The Specification has been amended.

### ***Drawings***

1. The drawings were received on 8/12/03. These drawings are accepted.

However, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "SC" on page 4, Line 18. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Discharge Lamp with Vented Reflector.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (USPN 6,509,674 B1) in view of Ooms (USPN 6,300,717 B1).

In regard to claim 8, the Nakagawa reference discloses a discharge lamp with a reflector. The reflector has two cut-away openings as vent holes (Column 3, Lines 35-40). Perforated plates are fitted into the openings of the reflector (Column 3, Lines 54-56). The plates are separate containment structures from the light source and the reflector and are disposed in spaced, overlying relation with the reflector openings. The Nakagawa reference does not disclose how the plates are fitted to the reflector. The Ooms reference teaches the use of adhesives to attach additional elements to the reflector (Column 2, Lines 49-51). Adhesives provide a more accurate fit of the panels to the reflector than other means and make the product easier to manufacture. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to use an adhesive to attach additional elements to the reflector, as taught by Ooms, to make manufacturing easier.

In regard to claims 9 and 10, the Nakagawa reference discloses that the reflector has two vent holes formed adjacent to the front portion of the reflector, where the front glass is fitted (Column 3, Lines 39-40 and Figure 4).

In regard to claim 17, the Nakagawa reference discloses that the containment structures is made of discrete, perforated panels that are placed in the cutaway portions of the reflector (Figure 1).

***Allowable Subject Matter***

5. Claims 1-7, 12-14 and 16 are allowed.

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation that the foraminous containment structure is formed to wrap around a periphery of the reflector.

Regarding claims 2-7 and 16, claims 2-7 and 16 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Regarding claim 12, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 12, and specifically comprising the limitation that the containment assembly secures the reflector to the cage.

Regarding claims 13-14, claims 13-14 are allowable for the reasons given in claim 12 because of their dependency status from claim 12.

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 11, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 11, and specifically comprising the limitation that the containment assembly secures the reflector to the cage.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper  
Patent Examiner  
Art Unit 2879

  
ASHOK PATEL  
PRIMARY EXAMINER